IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HON'BLE THE CHIEF JUSTICE MR.H.L.DATTU
&
THE HONOURABLE MR. JUSTICE HARUN-UL-RASHID

THURSDAY, THE 2ND AUGUST 2007 / 11TH SRAVANA 1929

WP(C).No. 23582 of 2007(S)

PETITIONERS:
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1. KERALA CONSUMER SERVICE SOCIETY, REG.NO. ER-35/83,PRATHIBA, ASOKA ROAD,COCHIN-17, REPRESENTED BY ITS PRESIDENT DR.BALANCHANDRAN.

2. DR.BALANCHANDRAN., AGED 68 YEARS, S/O.MADAMBATH SREEDHARA MENON (LATE), NANDANAM,RANDIVE,EDAPPALLY,COCHIN-682 024.

BY ADV. SRI.SIVAN MADATHIL

RESPONDENTS:
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1. STATE OF KERALA,REPRESENTED BY SECRETARY TO PUBLIC WORKS DEPARTMENT, GOVERNMETNS SECRETRIAT,THIRUVANANTHAPURAM.

2. THE CHIEF ENGINEER,PUBLIC WORKS DEPARTMENT, OFFICE OF THE CHIEG ENGINEER PWD, GOVERNMENT SECRETRIAT,THIRUVANANTHAPURAM.

3. SUPERINTENDENT ENGINEER, PWD, OFFICE OF THE SUPDT. PWD, ERNAKULAM.

4. CORPORATION OF COCHIN, PARK AVENUE ROAD, COCHIN, REPRESENTED BY ITS SECRETARY.

5. DISTRICT COLLECTOR.ADDITIONAL DISTRICT MAGISTRATE,ERNAKULAM/COLLECTORATE, ERNAKULAM.

6. T.U.KURUVILA, HON'BLE MINISTER FOR PWD, STATE OF KERALA, GOVERNMENT SECRETRIAT, THIRUVANANTHAPURAM

R1 TO 3 & 5 BY SPECIAL GOVERNMENT PLEADER SRI C.T.RAVIKUMAR.
R4 BY STANDING COUNSEL SRI M.K.CHANDRAMOHAN DAS

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 02/08/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

H.L. DATTU, C.J. & HARUN-UL-RASHID, J.

W.P.(C) No. 23582 of 2007

Dated, this the 2nd day of August, 2007

JUDGMENT

H.L. DATTU, CJ.

A public spirited citizen is before us inter alia seeking the following reliefs:

> (i) issue a writ of mandamus or any other appropriate writ, order or direction commanding the respondents to take immediate steps in a war foot manner to repair the roads especially in the Corporations like Cochin, without further delay.
>
> (ii) issue a writ of mandamus or any other appropriate writ, order or direction directing the authorities to forfeit the salary of respondents 1 to 3, due to the reason that they not discharged their public duty and that money should be made use to repair the roads just to show the public that those who are responsible to discharge their duties for the welfare of the State, should do the same.
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> (iii) issue a writ of mandamus or any other appropriate writ, order or direction directing the 4th and 5th respondents to discharge their statutory responsibility to abet the public nuisance of dilapidated roads by invoking section 144 of the Cr.P.C.
>
> (iv) to issue any other writ, order or direction which this Hon'ble Court deem fit and proper as per the facts and circumstances of the case."

2. In our opinion the petition filed by the petitioner is wholly premature. Before approaching this court for the reliefs sought for by him in the writ petition, he has necessarily to approach the representatives of the people who hold the power and request them to maintain the roads. Without doing so the petitioner has rushed to this court. In that view of the matter the reliefs sought for by the petitioner cannot be granted by us at this stage.

Accordingly the writ petition is rejected. Liberty is reserved to the petitioner to approach this court, if he so desires, at an appropriate stage. Ordered accordingly.

H.L. DATTU,
CHIEF JUSTICE.

HARUN-UL-RASHID,
JUDGE.

mt/